



"I will stand for my client's rights.
I am a trial lawyer."
-Ron Motley (1944-2013)

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September 3, 2014

VIA ECF

Hon. Brian M. Cogan
United States District Judge
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Linde v. Arab Bank, PLC, 04-CV-2799 (BMC)(VVP) and related cases*
Defendant's Expert Witness – Professor Milton-Edwards**

Dear Judge Cogan:

We write in brief response to Defendant's letter this evening (ECF #1126) providing its proposed slides and an exhibit list for Professor Milton-Edwards' anticipated testimony. All of Defendant's listed exhibits are the same "new" exhibits that were served earlier today and excluded by the Court this afternoon.¹ See, 9/3/2014 Transcript 1715:19-24. Not only has Defendant disregarded the Court's ruling and simply re-submitted those same exhibits, but Defendant's slides are largely based on the excluded evidence – or no admissible evidence at all. They also run afoul of several prior evidentiary rulings of this Court.

Accordingly, Plaintiffs request a conference with the Court prior to the commencement of Defendant's case to address the scope of Professor Milton-Edwards' proposed testimony.

Respectfully submitted,

John M. Eubanks

Enclosures

cc: All Counsel of Record

¹ Anticipating the use of these very exhibits, Plaintiffs wrote to defense counsel on May 1, 2014 asking, *inter alia*, "whether Defendant now intends to further amend its trial exhibit lists to add any of the documents Milton-Edwards claims to have 'reviewed and analyzed ... which formed the basis of conclusions' she states in her Supplemental Report (i.e. documents bates stamped MILTONEDWARDS002725 to 3253)??" See attached Exhibit A. Defense counsel responded on May 13, 2014, stating that: "We will produce documents as required by the rules on experts, and have already produced the additional documents on which Dr. Milton-Edwards relies. We have amended the defendant's trial exhibit list in accord with our agreement with the plaintiffs and do not anticipate additional amendments, but reserve the right to make amendments." See attached Exhibit B.